

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 200
THE ILLINOIS EXPLOSIVES ACT

SUBPART A: SCOPE, AUTHORITY AND DEFINITIONS

Section	
200.10	Scope and Authority
200.11	Definitions
200.12	Incorporated Materials
200.15	Computation of Time
200.20	Marking of Explosives
200.25	Information Required on Shipping Case
200.30	Records to be Maintained by Persons Transferring Explosive Materials
200.35	Exceptions to Sections 200.10 and 200.30(c)
200.40	Availability of Records
200.45	Exemption for Federal Personnel
200.50	Transportation on Same Motor Vehicle

SUBPART B: EXPLOSIVES LICENSE

Section	
200.90	Scope
200.93	Notice to Local Authorities
200.96	Application for Original Licensure
200.98	Qualifications for Licensure
200.100	Application for Original Licensure (Repealed)
200.101	Contents of Application
200.102	Fingerprint Cards and Fingerprint-Based Data
200.103	Written Examination
200.104	Incomplete Application
200.105	Denial of Application
200.106	Refusal to Issue Individual Explosives License or Temporary Explosives License
200.107	Explosives License Renewal
200.108	Temporary Explosives License

SUBPART C: STORAGE CERTIFICATE APPLICATION

Section	
200.200	Application for Original Storage Certificate
200.201	Contents of Application
200.202	Incomplete Application

200.203 Denial of Application
200.204 Magazine Inspection
200.205 Refusal to Issue
200.206 Renewal

SUBPART D: FEES

Section
200.300 Fees
200.301 Proration of Fees
200.302 Fee Exemption – Government Agencies

**SUBPART E: CLASSIFICATION OF MAGAZINES AND
GENERAL STORAGE REQUIREMENTS**

Section
200.400 General Storage Requirements
200.401 Classification of Magazines
200.402 Location of Magazines – Distances and Quantity

SUBPART F: MAGAZINE CONSTRUCTION STANDARDS

Section
200.500 Construction of Magazines
200.501 Type 1 Magazine
200.502 Type 2 Magazine
200.503 Type 3 Magazine
200.504 Type 4 Magazine
200.505 Type 5 Magazine

SUBPART G: MAGAZINE OPERATIONS AND MAINTENANCE

Section
200.600 Magazine Keeper
200.601 Security Precautions
200.602 Safety Precautions – General
200.603 Safety Precautions – Handling and Storage
200.604 Magazine Maintenance and Repair

SUBPART H: TYPE 3 MAGAZINES AND VEHICLES AT BLAST AREAS

Section
200.700 Requirements for Type 3 Magazines
200.701 On-Site Vehicles; Warning Signs

SUBPART I: RECORDKEEPING AND REPORTING

Section	
200.800	Possession of License
200.801	Posting of Storage Certificate
200.802	Report of Lost, Stolen or Destroyed Explosives License, Temporary Explosives License or Storage Certificate
200.803	Worn or Damaged License or Storage Certificate
200.804	Report of Changed Conditions; Cancellation or Modification of Storage Certificate
200.805	Report of Theft or Loss of Explosive Materials and Accidents, Injuries or Incidents
200.806	Records of Transactions – Explosives Licensees, Temporary Explosives Licensees and Storage Certificate Holders
200.807	Daily Summary of Magazine Transactions
200.808	Transactions – Black Powder
200.809	Record of Annual Physical Magazine Inventory
200.810	Inspections (Repealed)
200.815	Monitoring and Reporting

SUBPART J: INSPECTION AND ENFORCEMENT

Section	
200.900	Notice of Department's Intended Action; Contents and Service (Repealed)
200.901	Request for Hearing on Department's Intended Action; Contents and Service (Repealed)
200.902	Notice of Hearing (Repealed)
200.903	Postponement or Continuance of Hearing (Repealed)
200.904	Hearing Officer; Powers and Duties (Repealed)
200.905	Pre-Hearing Conferences (Repealed)
200.906	Burden and Standard of Proof (Repealed)
200.907	Default (Repealed)
200.908	Evidence (Repealed)
200.909	Briefs (Repealed)
200.910	Hearing Officer's Decision (Repealed)
200.911	Final Administrative Decision (Repealed)
200.912	Administrative Fines (Repealed)
200.913	Immediate Suspension Without Notice of Hearing (Repealed)
200.914	Computation of Time (Repealed)
200.915	Inspections by the Department
200.920	Enforcement Actions
200.925	Notice of Violation
200.930	Office of Mines and Minerals Director's Decision

- 200.935 Process for Assessment of Fines
- 200.940 Immediate Suspension or Revocation of License or Storage Certificate
- 200.945 Disposal of Explosives; Surrender or Seizure of License or Certificate

SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS

- 200.1000 Notice of Department's Intended Action; Contents and Service
- 200.1005 Request for Hearing on Department's Intended Action; Contents and Service
- 200.1010 Notice of Hearing
- 200.1015 Postponement or Continuance of Hearing
- 200.1020 Hearing Officer; Powers and Duties
- 200.1025 Subpoenas
- 200.1030 Record of Proceedings
- 200.1035 Pre-Hearing Conference
- 200.1040 Burden and Standard of Proof
- 200.1045 Default
- 200.1050 Evidence
- 200.1055 Brief
- 200.1060 Hearing Officer's Decision
- 200.1065 Final Administrative Decision
- 200.1070 Immediate Suspension Without Notice of Hearing
- 200.1075 Computation of Time

- 200.APPENDIX A American Table of Distances for Storage of Explosive Materials
- 200.APPENDIX B Table of Separation Distances for Low Explosives
- 200.APPENDIX C Table of Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents

AUTHORITY: Implementing and authorized by the Illinois Explosives Act [225 ILCS 210] and 49 CFR 173.50, 27 CFR 555.219, 26 CFR 181.109 and 49 CFR 170 through 189.

SOURCE: Amended September 15, 1973; codified at 7 Ill. Reg. 12867; Part repealed, new Part adopted at 14 Ill. Reg. 3503, effective February 23, 1990; amended at 16 Ill. Reg. 11449, effective July 6, 1992; recodified from the Department of Mines and Minerals to the Department of Natural Resources at 21 Ill. Reg. 16192; amended at 37 Ill. Reg. 14090, effective August 26, 2013.

SUBPART A: SCOPE, AUTHORITY AND DEFINITIONS

Section 200.10 Scope and Authority

This Part implements the Illinois Explosives Act (the Act) [225 ILCS 210] and applies to all acquisition, storage, use, transfer and disposal of explosive materials classified as Division 1.1, 1.2, 1.3 and 1.5 explosives by 49 CFR 173.5 except as otherwise provided in the Act. This Part

is intended to supplement the requirements of any federal or State law and regulations governing the storage, use, acquisition, possession, disposal and transfer of explosive materials, but shall be construed, wherever possible to avoid conflicting or duplicative requirements. Obtaining an explosives license, a temporary explosives license or storage certificate under this Part does not waive the requirements of any other federal, State or local law or ordinance regulating blasting and explosives.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.11 Definitions

The following definitions have the meanings specified, except when another meaning is provided in this Part:

"Acceptor" means a charge of explosives or blasting agent receiving an impulse from an exploding donor charge.

"Act" means the Illinois Explosives Act [225 ILCS 210].

"Ammonium Nitrate" means the ammonium salt of nitric acid represented by the formula NH_4NO_3 .

"ANFO" means an explosive material consisting of ammonium nitrate and fuel oil.

"Artificial Barricade" means an artificial mound or revetted wall of earth of a minimum thickness of three feet at the top of the mound or wall, or a mound or revetted wall of other material offering equivalent protection. Artificial barricades which are vegetated shall be of sufficient slope to enable mowing.

"ATF" means the Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

"Authorized Person" means a person holding a current Illinois Individual Explosives License or qualifying for an exemption pursuant to Section 200.90(c)(5).

"Barricaded" means the effective screening of a building containing explosives from a magazine or other building, railway, or highway by a natural or an artificial barrier. A straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine or other building or to a point twelve feet above the center of a railway or highway shall pass through such barrier.

"Black Powder" means a deflagrating or low explosive compound of an intimate mixture of sulfur, charcoal, and an alkali nitrate, usually potassium or sodium nitrate.

"Blast" or "Blasting" means the firing of explosive materials for such purposes as breaking rock or other material, moving material, or generating seismic waves and the assembly of explosive materials for such purposes.

"Blast Area" means the area of a blast within the influence of flying rock, missiles, debris, gases and concussion.

"Blasting Agent" means any material or mixture consisting of a fuel and oxidizer intended for blasting, not otherwise defined as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a No. 8 blasting cap, as defined by ATF, when unconfined and is classified as a Division 1.5 material under 49 CFR 173.50.

"Blasting Cap" means a detonator which is initiated by a safety fuse.

"Bulk Mix" means a mass of explosive material prepared for use in bulk form without packaging.

"Bulk Mix Truck or Delivery Equipment" means equipment (usually a motor vehicle with or without a mechanical delivery device) that transports explosive materials in bulk form for mixing or loading directly into blastholes, or both.

"Bullet-Resistant" means magazine walls or doors of construction resistant to penetration of a bullet of 150-grain M2 ball ammunition having a nominal muzzle velocity of 2700 feet per second fired from a .30 caliber rifle from a distance of 100 feet perpendicular to the wall or door. When a magazine ceiling or roof is required to be bullet-resistant, the ceiling or roof shall be constructed of materials comparable to the side walls or of other materials which will withstand penetration of the bullet described above when fired at an angle of 45 degrees from the perpendicular. Tests to determine bullet resistance shall be conducted on test panels or empty magazines which shall resist penetration of 5 out of 5 shots place independently of each other in an area at least 3 feet by 3 feet.

"Bullet-Sensitive Explosive Material" means explosive materials that can be detonated by 150-grain M2 ball ammunition having a nominal muzzle velocity of 2700 feet per second when the bullet is fired from a .30 caliber rifle at a distance of not more than 100 feet and the test material, at a temperature of 70 to 75 F, is placed against a backing material of 1/2 inch steel plate.

"Cap Sensitivity" means the sensitivity of an explosive to initiation by a detonator. An explosive material is considered to be cap sensitive if it detonates with a No. 8 Test Detonator.

"Certificate" means a storage certificate issued by the Department allowing for the proper storage of explosives in accordance with the Act.

"Deflagration" means an explosive reaction such as a rapid combustion that moves through an explosive material at a velocity less than the speed of sound in the material.

"Department" means Illinois Department of Natural Resources.

"Detonating Cord" means a flexible cord containing a center core of high explosive.

"Detonation" means an explosive reaction that moves through an explosive material at a velocity greater than the speed of sound in the material.

"Detonator" means any device that contains any initiating or primary explosive that is used for initiating detonation and is classified as a Division 1.1 or 1.4 material under 49 CFR 173.50 (August 14, 2003). A detonator may not contain more than 10 grams of total explosives by weight, excluding ignition or delay charges.

"Director" means Director of the Department of Natural Resources or his or her designee.

"Disposal", with respect to explosive materials, means to render inert pursuant to manufacturer's recommendations or commonly accepted industry standards.

"Donor" means an exploding charge producing an impulse that impinges upon an explosive "acceptor" charge.

"Emulsion" means an explosive material containing substantial amounts of oxidizers dissolved in water droplets, surrounded by an immiscible fuel.

"Explosive" means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion, that is classified as a Division 1.1, 1.2 or 1.3 material under 49 CFR 173.5. The term includes high and low explosives. This term does not include consumer fireworks, but does include display fireworks.

"Explosive materials" means explosives, blasting agents, and detonators.

"Fire-Resistant" means construction designed to offer reasonable protection against fire.

"Fireworks" means any composition or device designed for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, and that meets the definition of "consumer fireworks" or "display fireworks" as follows:

"Consumer fireworks" means any small fireworks device designed to produce visible effects by combustion and that must comply with the construction, chemical composition and labeling regulations of the U.S. Consumer Product Safety Commission (16 CFR 1500 and 1507). Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 mg (0.77 grain) or less of explosive materials, and aerial devices containing 130 mg (2 grains) or less of explosive materials. Consumer fireworks are classified as Explosives, Class 1, Division 1.4, UN0336 or UN0337, by the U.S. Department of Transportation (USDOT) (see 49 CFR 172.101). This term also includes pyrotechnic devices for professional use that are classified as UN0431 or UN0432.

"Display fireworks" means large fireworks designed to produce visible or audible effects by combustion, deflagration or detonation. This term includes, but is not limited to, salutes containing more than 130 mg (2 grains) of explosive materials, aerial shells containing more than 40 grams (616 grains) of total pyrotechnic and explosive composition, and other display pieces that exceed the limits for classification as consumer fireworks. Display fireworks are classified as Explosives, Class 1, Division 1.1, 1.2 or 1.3, UN0333, UN0334 or UN0335, by USDOT (see 49 CFR 172.101).

"Grains" means a system of weight measurement where 7000 grains are equivalent to one standard 16-ounce pound (0.45 kg).

"Hardwood" means red oak, white oak, hard maple, ash or hickory, or material of equivalent structural integrity, free from loose knots, wind shakes or similar defects.

"High Explosive" means explosives that are characterized by a very high rate of reaction, high pressure development, and the presence of a detonation wave in the explosive.

"Highway" means any public street, public road or public alley and includes privately financed, constructed or maintained roads that are regularly and openly traveled by the general public.

"Inhabited Building" means a building regularly occupied in whole or part as a habitation for human beings, or any church, schoolhouse, railroad station, store or other structure where people are accustomed to assembly, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosive materials.

"Inventory" means a listing of all explosive materials stored in a magazine.

"License" means a license issued by the Department under Article 2 of the Act authorizing the holder to possess, use, purchase, transfer or dispose of, but not to store, explosive materials.

"Low Explosive" means explosives characterized by deflagration.

"Magazine" means any building or other structure or container, other than a factory building, used to store explosive materials. Where mobile or portable type 5 magazines are permissible and used, "magazine", for the purpose of obtaining certificates and calculating fees, means the site on which the magazines are located.

"Magazine Keeper" means a qualified supervisory person licensed by the Department or otherwise exempted under Article 2 of the Act who is responsible for the acquisition, storage, use, possession, transfer and disposal of explosive materials, including inventory and transaction records, and for proper maintenance of explosive materials, storage magazines and surrounding areas.

"Natural Barricade" means natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures that require protection cannot be seen from the magazine when the trees are bare of leaves.

"Nonsparking Metal" means a metal that will not produce a spark when struck with other tools, rock or hard surfaces.

"Office of Mines and Minerals" or "Office" means the office of the Department of Natural Resources charged with regulating the storage, use, acquisition, possession, disposal and transfer of explosive materials pursuant to the Act.

"Person" means any individual, corporation, company, association, partnership or other legal entity, except that, with reference to individual licenses or when the context otherwise requires, person means a natural person.

"Plywood" means exterior construction-grade plywood.

"Propagation" means the detonation of explosive charges by an impulse received from adjacent or nearby explosive charges

"Propellant Powder" means an explosive of fine granulation that, through burning, produces gases at a controlled rate to provide the energy for propelling a projectile.

"Railway" means any public steam, electric or other railroad or rail system that carries passengers for hire, but shall not include auxiliary tracks, spurs and sidings installed and primarily used in serving any mine, quarry or plant.

"Salute" means an aerial shell, classified as a display firework, that contains a charge of flash powder and is designed to produce a flash of light and a loud report as the pyrotechnic effect.

"Small Arms Primer" means a device for lighting the powder charge in a modern cartridge of ammunition.

"Softwood" means Douglas fir or other wood of equal bullet resistance and free from loose knots, wind shakes or similar defects.

"Steel" means general purpose (hot or cold rolled) low-carbon steel or equivalent.

"Theft-Resistant" means construction designed to deter illegal entry into facilities used for the storage of explosive materials.

"Transfer" of explosive materials means to sell, give, distribute or otherwise dispose of explosive materials.

"Unbarricaded" means the absence of a natural or artificial barricade around explosive storage areas of facilities.

"Use" of explosive materials means the detonation, ignition, deflagration, or any other means of initiating explosive materials.

"Weather-Resistant" means construction designed to offer reasonable protection against weather.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.12 Incorporated Materials

- a) The following documents are incorporated or referenced in various Sections of this Part:
 - 1) The National Fire Protection Association (NFPA)
1 Batterymarch Park
P.O. Box 9101
Quincy MA 02269-9101
 - A) "The National Electrical Code" (2008 Edition)
 - B) "NFPA 1123 Code for Fireworks Display" (2010 Edition)
 - C) "NFPA 1124 Code for the Manufacture, Transportation and Storage of Fireworks" (2006 Edition)
 - 2) Institute of Makers of Explosives
1120 19th Street N.W., Suite 310
Washington DC 20036
 - "The American Table of Distances" (Safety Library Publication No. 2, October 2011 Edition), and "Warnings and Instructions for Consumers in Transporting, Storing, Handling, and Using Explosive Materials" (Safety Library Publication. No. 4, October 2009 Edition)
 - 3) Federal Regulations
 - A) 27 CFR 555.219 (2010), "Table of distances for storage of low explosives".
 - B) 16 CFR 1500 (2010)
 - C) 16 CFR 1507 (2010)
 - D) 27 CFR 555.126 (2012)
 - E) 49 CFR 172 (2012)
 - F) 49 CFR 173 (2003)
 - G) 49 CFR 171 through 177 (2012)
 - H) 49 CFR 178 through 180 (2012)

- b) All incorporations by reference in this Part refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) All materials incorporated by reference are available for inspection or copying at the Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.15 Computation of Time

- a) Except as otherwise provided, computation of time under this Part is based upon calendar days.
- b) In computing any period of prescribed time, the day on which the designated period of time begins is not included. The last day of the period is included unless it is a Saturday, Sunday or legal holiday on which the Department is not open for business, in which event the period runs until the end of the next business day.
- c) Intermediate Saturdays, Sundays and legal holidays that fall within the prescribed time period are excluded from the computation of time when the prescribed time period is 7 days or less.
- d) A business day is any day the Department is open for business.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.20 Marking of Explosives

All explosive materials offered for acquisition, storage, use, possession, transfer and disposal in the State of Illinois shall be legibly identified by marking. The marks required by this Section shall identify the manufacturer and the location, date and shift of manufacture. The manufacturer shall place on each carton or other immediate container of explosive materials manufactured for sale or distribution the required mark, which shall also be placed on the outside container, if any, used for their packaging. With respect to explosive materials of small size not suitable for marking on the individual items (for example blasting caps), it shall only be necessary to place the identification on the container used for their packaging.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.25 Information Required on Shipping Case

Each shipping case shall have marked on it the total weight of the explosive material it contains, the month and year of the explosives manufacture, and the length and diameter of the sticks, cartridges or individual packages in the shipping case.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.30 Records to be Maintained by Persons Transferring Explosive Materials

Every person transferring any explosive material shall maintain:

- a) A record that enables him or her to trace the explosives to the recipient. The record shall consist of a:
 - 1) journal;
 - 2) book of records;
 - 3) invoice;
 - 4) inventory control record;
 - 5) federal form ATF F 5400.4 (Explosives Transaction Record; see 27 CFR 555.126) or other record that shows explosives delivered by manufacturer's name, count, weight, identification or other identifying mark that will enable the distributor to trace the explosives, and
 - 6) month and year of manufacture.
- b) The name, residence and business address of the recipient and the address to which the explosive material is to be delivered, if different from the business address.
- c) The name, address, social security number, driver's license identification number and brief physical description of the person taking the explosive material away.
- d) The type and license number of the vehicle by which the explosive material is to be transported.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.35 Exceptions to Sections 200.10 and 200.30(c)

Sections 200.10 and 200.30(c) do not apply when the transaction is between the manufacturer of the explosive material and the manufacturer's employee or when the explosives involved in a transaction are being shipped by a common carrier direct from the manufacturer's place of business.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.40 Availability of Records

- a) The journal or book of record, or other record made by any person selling or giving away explosives, shall be open at all times to inspection by any law enforcement official and any representative of the Department.
- b) All records related to the possession, use, purchase, transfer or storage of explosive material shall be maintained for 3 years.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.45 Exemption for Federal Personnel

The Act and this Part do not apply to the possession, use, purchase, transfer, storage or disposal of explosive material by the United States military or other agencies of the United States, or to arsenals, navy yards, depots, or other establishments owned or operated by the United States.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.50 Transportation on Same Motor Vehicle

No blasting caps or detonators, regardless of type, may be transported on the same motor vehicle with other explosives, unless they are transported in accordance with 49 CFR 170 through 189.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

SUBPART B: EXPLOSIVES LICENSE**Section 200.90 Scope**

- a) The license requirements of this Subpart apply to all explosive materials unless otherwise excepted by Section 2000 of the Act.

- b) No person shall acquire, store, use, transfer or dispose of explosive materials unless licensed by the Department, except as otherwise provided by Section 2001 of the Act.
- c) The licensing provisions of the Act and this Subpart do not apply to:
 - 1) agricultural fertilizers, which might be of an explosive nature, when the use of the fertilizers is for agricultural or horticultural purposes;
 - 2) a common or contract carrier authorized to carry explosive materials pursuant to the Interstate Commerce Act of 1887 (49 USC 101) or the Illinois Commerce Commission;
 - 3) the purchase, receipt, possession or use by an individual of primers or propellant powder used in muzzleloader firearms, hand loading, reloading or custom loading ammunition for small arms for his or her own use or that of his or her immediate family;
 - 4) the possession or purchase from dealers, importers or manufacturers, by any person who holds a valid Illinois Firearm Owner's Identification card, of smokeless small arms propellant except as defined as Division 1.1, 1.2 or 1.3 explosives by 49 CFR 173.5, black powder not to exceed 5 pounds, and small arms primers or percussion caps for muzzleloading arms in containers provided by the manufacturer or containers generally recognized as being suitable for the transportation and storage of, or commerce in, these items at retail, or the transportation or use of the items by any such person in muzzleloading ammunition for small arms;
 - 5) the acquisition, possession, use, transfer or disposal of explosive materials in connection with mine, quarry, construction, manufacturing or wholesale or retail dealership operations in the ordinary course of business, provided that:
 - A) the operator has obtained a storage certificate from the Department in accordance with Subpart C;
 - B) the acquisition, possession, use, transfer or disposal of explosive materials is limited to the operator's business operation; and
 - C) the person or persons designated as "magazine keeper" satisfy the licensure requirements, other than an examination, of this Subpart.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.93 Notice to Local Authorities

Within 10 days after the issuance of an original, temporary, replacement or renewed individual explosives license, the Department shall notify the appropriate law enforcement agency of the municipality or county of the issuance. (Section 2008 of the Act)

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.96 Application for Original Licensure

Any person who intends to possess, use, acquire, purchase, transfer or dispose of explosive materials, unless exempted under Section 1005, 2000 or 3000 of the Act, shall make application on forms provided by the Department. The application must be executed under penalties of perjury and accompanied by the required non-refundable fee.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.98 Qualifications for Licensure

- a) The Department will issue a license to an applicant who:
 - 1) is at least 21 years of age;
 - 2) has not been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
 - 3) is not under indictment for a crime punishable by imprisonment for a term exceeding one year;
 - 4) is not a fugitive from justice;
 - 5) is not an unlawful user of or addicted to any controlled substance (as defined in Section 802 of the federal Controlled Substances Act) (21 USC 802);
 - 6) has not been adjudicated a mental defective;
 - 7) is a legal citizen of the United States; and
 - 8) has not been dishonorably discharged from the armed services.
- b) A person who has been granted a "relief from disabilities" regarding criminal convictions and indictments, pursuant to 18 USC 40.845, may receive a license provided all other qualifications under the Act are met.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.100 Application for Original Licensure (Repealed)

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.101 Contents of Application

The application for original licensure shall include:

- a) The applicant's full name and any aliases used by the applicant.
- b) The applicant's age, sex and date of birth.
- c) A physical description of the applicant, which shall include height, weight, color of hair and color of eyes.
- d) The applicant's social security number and, if applicable, driver's license number.
- e) The applicant's resident address and telephone number.
- f) A description of the purposes for which and the places where explosive materials are to be possessed or used.
- g) If explosive materials are to be possessed and used in connection with a business, the name of the business, the form of organization of the business, the applicant's relationship to the business and the address or addresses, and telephone number, of any offices in this State out of which the business operates.
- h) A recent passport size photograph taken within the preceding 3 years.
- i) A personal history statement containing information required under Section 2005 of the Act.
- j) A statement that the applicant is a legal citizen of the United States.
- k) Any other information the Department deems appropriate.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.102 Fingerprint Cards and Fingerprint-Based Data

An applicant for original licensure, except for an applicant who has previously submitted fingerprint-based data to the Department, shall submit with the application fingerprint-based data, or other state of the art criminal identification data or 2 sets of fingerprint cards on forms specified by the Department. The fingerprint cards shall be accompanied by the required non-refundable fee.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.103 Written Examination

- a) The written examination shall encompass, but is not limited to, the following subject matter:
 - 1) Legal requirements for, and restrictions on, the possession, use, purchase, transfer, storage and disposal of explosive materials in Illinois.
 - 2) Safety principles in the transport, storage, handling and usage of explosive materials (as set forth in "Safety Library Publication No. 4").
- b) The passing grade shall be at least 80%.
- c) An applicant who fails the first examination may be rescheduled at any time for re-examination. After the second and each subsequent failure, the application is ineligible for further examination until the expiration of at least 60 days from the previous examination.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.104 Incomplete Application

If the application does not contain all of the information or documents required under Section 200.101 for evaluation of the application, or if the fingerprint cards or criminal history background check data originally submitted cannot be processed, the Department shall notify the applicant in writing. The notification shall specify the additional information or documents necessary to an evaluation of the application, or state that substitute fingerprint cards must be submitted, as the case may be, and shall advise the applicant that the application will be deemed denied unless the information, documents or fingerprint-based data are submitted within 60 days following the date of notification.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.105 Denial of Application

If the applicant fails to qualify for an original license by reason of age, or if the applicant fails to pass the examination within one year after the date of application, or if the applicant fails to make complete application in accordance with Section 200.104, or if the applicant fails to pass the criminal history background check, or if the applicant fails to meet any of the qualifications for licensure under Section 200.98, the Department will deny the application and notify the applicant in writing. The notice shall set forth the reasons for denial and instructions for making any reapplication.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.106 Refusal to Issue Individual Explosives License or Temporary Explosives License

If, after the Department's investigation of the application, the Department intends to refuse to issue a license, the Department shall notify the applicant in writing of the grounds upon which the intended refusal is based and of the applicant's right to a hearing pursuant to Section 200.1000.

- a) The grounds for refusal to issue an individual explosives license or temporary explosives license or to renew an individual explosives license include, but are not limited to, the following:
 - 1) Possession, use, acquisition, transfer, handling, disposal or storage of explosive materials in a manner that endangers the public health, safety or welfare. In making this determination, the Department will consider information in aggravation or mitigation of the occurrence, including, but not necessarily limited to, security precautions utilized, whether commonly accepted industry safety standards were followed, and whether the occurrence was due to conditions beyond the control of the licensee, such as a natural disaster, product defect or sabotage;
 - 2) Refusal to produce records or reports or permit any inspection lawfully requested by the Department;
 - 3) Failure to make, keep or submit any record or report required by the Act or this Part, or making, keeping or submitting a false record or report.
- b) Whenever the Department intends to refuse to issue an individual explosives license or a temporary explosives license, it shall give written notice to the applicant personally or by certified mail sent to the applicant's last known address. The notice shall include:
 - 1) The specific grounds upon which the Department's refusal to issue the explosives license or temporary explosives license is based;
 - 2) A statement that the applicant may request a hearing to contest the Department's intended action by filing a written request for hearing within 30 days after the date the Department's notice is mailed.

A) All requests for hearing shall be mailed or delivered to:

Illinois Department of Natural Resources
Office of Mines and Minerals
One Natural Resources Way
Springfield IL 62702-1271

- B) Requests for hearing must be filed in accordance with Section 200.930(d)(3).
 - C) Filing of the request for hearing shall be deemed complete upon its receipt by the Department, as evidenced by the date upon which the Department's mail receipt stamp appears on the request for hearing;
- 3) A statement that the applicant's failure to make a written request for hearing in accordance with Section 200.930(d)(4) within 30 days after the Department's notice is mailed will constitute a waiver of the applicant's rights to contest that action and will result in the entry of a final administrative decision affirming the Department's refusal to issue the explosives license or temporary explosives license, which shall be conclusively presumed to be correct.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.107 Explosives License Renewal

- a) An explosives license issued pursuant to this Subpart is valid for 3 years from the date of issuance.
- b) The holder of an explosives license may renew that license during the 60 day period preceding its expiration date by submitting a renewal application on forms provided by the Department, together with the required fee (see Subpart D).
- c) Any explosives license not renewed within 30 days following its expiration will be cancelled. Any requests after that date to renew or restore will be treated as a new application.
- d) The extended renewal period under subsection (c) does not allow an explosives licensee to engage in any conduct or activities for which a license is required during the 30 day period after the license has expired.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.108 Temporary Explosives License

- a) Any person not a resident of Illinois who intends to possess, use, purchase, acquire or transfer explosive materials in Illinois on a limited basis may make application on forms provided by the Department for a temporary explosives license. The application must be executed under penalties of perjury and accompanied by the required non-refundable fee (see Subpart D).

- b) The application for temporary explosives licensure shall include the same information required for an original explosives license under Section 200.101 and in addition shall include:
 - 1) Evidence of a valid existing explosives license or storage permit issued by ATF, if the federal license is of a classification appropriate to the activities to be conducted under the temporary explosives license.
 - 2) A complete description of the activities requiring the acquisition, storage use, transfer or disposal of explosive materials in Illinois, including the location and length of the project or activity.
 - 3) A current and valid storage certificate, if applicable to the activity, issued under Subpart C of this Part.
- c) A temporary explosives license issued pursuant to this Section shall entitle the holder to engage only in those activities for which the explosives license was issued and shall be valid only until the activities are completed, but in any event, no more than 3 months from the date of issuance.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

SUBPART C: STORAGE CERTIFICATE APPLICATION

Section 200.200 Application for Original Storage Certificate

Any person who intends to store explosive materials, or seeks a modification of a storage certificate, shall make application on forms provided by the Department. The application must be executed under penalties of perjury.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.201 Contents of Application

The application for an original storage certificate shall include:

- a) The full name and the business and residence addresses and telephone numbers of the person making the application.
- b) The full name and the business and residence addresses and telephone numbers of the magazine keeper, if different from the applicant.

- c) The location or proposed location of the magazine, including the township, section, range, global positioning satellite coordinates, county and, if the magazine is located in an unincorporated area, the name and distance from the nearest municipality.
- d) The kind and maximum quantity of explosive materials intended to be stored in the magazine at any one time.
- e) The distance or intended distance of the magazine from the nearest magazine building, railroad or highway, and whether the magazine is barricaded.
- f) A description of the purposes for which explosive materials are intended to be stored.
- g) The full names and explosive license numbers of all persons who will have access to and handle explosive materials, or a statement of the reasons for which an exemption from the individual license requirements is claimed under Section 1004 of the Act.
- h) Any additional information the Department may require.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.202 Incomplete Application

If the application does not contain all of the information or documents required under Section 200.201 for the Department to evaluate the application, the Department shall notify the applicant in writing. The notification shall specify the additional information or documents necessary to an evaluation of the application, and shall advise the applicant that the application will be deemed denied unless the information or documents are submitted within 60 days following the date of notification.

Section 200.203 Denial of Application

If an applicant fails to make complete application in accordance with Section 200.202 of this Part, the Department shall deny the application and notify the applicant in writing. The notice shall set forth the reasons for denial and instructions for making any reapplication.

Section 200.204 Magazine Inspection

Upon receipt of a complete application for an original storage certificate the Department shall inspect magazine. If the inspector finds that the magazine is located and constructed in accordance with the Act and these Rules, the inspector shall determine the quantity of explosive materials that may be stored and shall calculate the required fee. Upon receipt of the inspector's report and the required fee, the Department shall issue the storage certificate.

Section 200.205 Refusal to Issue

If, after the Department's investigation of the application, the Department intends to refuse to issue a storage certificate, the Department shall notify the applicant in writing of the grounds upon which the intended refusal is based, and of the applicant's right to a hearing pursuant to Section 200.930(d)(3).

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.206 Renewal

A storage certificate issued under this Subpart shall expire on the last day of February of each year. The holder of a storage certificate may renew the certificate by submitting a renewal application on forms provided by the Department, together with the required fee (see Subpart D). The renewal application and fee shall be delivered to the Department prior to the expiration date of the storage certificate.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

SUBPART D: FEES**Section 200.300 Fees**

The following fees shall be paid to the Department for administration of the Act and are non-refundable.

- a) The fee for an application and to receive an explosives license is \$100 (plus the amount required under contract with the Illinois State Police for processing and/or reprocessing the fingerprints).
- b) The fee for re-examination of an applicant is \$50.
- c) The renewal fee for an explosives license is \$100.
- d) The fee for a temporary explosives license is \$150.
- e) Except as provided in subsections (f) and (g) pertaining to Type 5 magazine storage sites and detonator magazines, the fee for an application and to receive a storage certificate is as follows:

Quantity of Explosive Materials	Fee
1 - 50 lbs	\$25
51 - 1,000 lbs	\$100
1,001 - 50,000 lbs	\$150
50,001 - 300,000 lbs	\$300

- f) The fee for an application and to receive a storage certificate for a Type 5 magazine storage site is as follows:

Quantity of Explosive Materials	Fee
1 - 50,000 lbs	\$150
50,001 - 300,000 lbs	\$300

- g) The fee for an application and to receive a storage certificate for the storage of blasting detonators is as follows:

Number of Detonators	Fee
1 - 1,000	\$50
1,001 - 50,000	\$150
over 50,000	\$300

- h) The renewal fee for a storage certificate is the same as for an original certificate.
- i) The fee for a replacement explosives license, temporary explosives license or storage certificate (lost, stolen, destroyed) is \$50.
- j) The fee for a duplicate original license or storage certificate (worn or damaged) is \$25.
- k) The fee for a modified storage certificate is \$25.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.301 Proration of Fees

An original storage certificate applied for and received during the 6 month renewal period ending the last day of February shall be issued for the balance of the renewal period and the following full year, and the fee shall be calculated at 1½ times the fee specified in Section 200.300(e), (f) and (g) of this Part.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.302 Fee Exemption – Government Agencies

Fees assessed in connection with explosives licenses, temporary explosives licenses and storage certificates will be waived for agencies of the federal government and the State of Illinois and its political and civil subdivisions if the storage, acquisition, possession, use, transfer or disposal of explosive material is for emergency response functions.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

**SUBPART E: CLASSIFICATION OF MAGAZINES AND
GENERAL STORAGE REQUIREMENTS****Section 200.400 General Storage Requirements**

- a) All explosive materials shall be stored in magazines that meet the requirements of this Subpart, unless they are:
 - 1) In process of manufacture.
 - 2) Being used.
 - 3) Being loaded or unloaded into or from transportation vehicles or while in the course of transportation.
- b) When blasting agents are stored in the same magazine with explosives, the magazine shall be suitable for storage of high explosives.
- c) Detonators such as blasting caps, electric blasting caps, electronic or non-electric delay devices shall not be stored in the same magazine with other explosive materials.
- d) Explosive materials that are classified as high explosives, including display fireworks in USDOT Class 1, Division 1.1, shall be stored in Type 1 or 2 magazines. Explosive materials classified as low explosives, including display fireworks in USDOT Class 1, Divisions 1.2 and 1.3, may be stored in Type 1, 2 or 4 magazines. Explosive materials classified as blasting agents may be stored in Type 1, 2, 4 or 5 magazines.
- e) Detonators shall be stored in Type 1 or 2 magazines, except that electric blasting caps having leg wires at least four feet long (provided they are in the configuration supplied by the manufacturer) may be stored in a Type 4 magazine.
- f) Detonating cord shall be stored in either a Type 1 or 2 magazine and may be stored in these same type magazines with other explosive materials, except detonators.

- g) Explosive materials, including detonators, may be temporarily stored in a Type 3 magazine while the explosive materials are being transported or while attended.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.401 Classification of Magazines

- a) Type 1 Magazine. A permanent magazine for the storage of high explosives. Type 1 magazines are bullet resistant, fire resistant, theft resistant and weather resistant.
- b) Type 2 Magazine. A portable or mobile magazine for outdoor or indoor storage of high explosives. Type 2 magazines are bullet resistant, fire resistant, theft resistant and weather resistant.
- c) Type 3 Magazine. A portable magazine for the temporary storage of explosive materials while attended. An example is a "day box" at the site for blasting operations. Type 3 magazines are fire resistant, theft resistant and weather resistant. A storage certificate is not required for a Type 3 magazine.
- d) Type 4 Magazine. A permanent, portable or mobile magazine for outdoor or indoor storage of low explosives. Type 4 magazines are fire resistant, theft resistant and weather resistant.
- e) Type 5 Magazine. A permanent, portable or mobile magazine for the storage of blasting agents. Type 5 magazines include tanks, tank trailers, tank trucks, semi-trailers, bulk mix trailers, bulk mix trucks and bins. Type 5 magazines are theft resistant, and outdoor Type 5 magazines are also weather resistant.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.402 Location of Magazines – Distances and Quantity

- a) All outdoor magazines except Type 3 shall be located as provided in the American Table of Distances (Appendix A) for magazines containing any amount of high explosives and the Table of Separation Distances for Low Explosives (Appendix B) for magazines containing low explosives when determining minimum distances to inhabited buildings, passenger railways, public highways and other magazines.
- b) Separation Distances in the American Table of Distances, the Table of Separation Distances for Low Explosives and the Table of Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents (Appendix C) shall be used in determining minimum separation of storage facilities for explosives, blasting agents and ammonium nitrate. The American

Table of Distances and the Table of Separation Distances for Low Explosives should be used to determine safe distances from inhabited dwellings, highways, passenger railways, and between explosive materials magazines. The Table of Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents should be used to determine non-propagation distances to ANFO blasting agents and to ammonium nitrate. The greater of the distances shown in the American Table of Distances or the Table of Separation Distances for Low Explosives, whichever is applicable, and in the Table of Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents should be used to determine the required separation between a magazine for storage of explosives and a magazine for storage of blasting agents.

- c) The storage of explosive materials in indoor magazines shall not exceed 50 pounds in any building or facility. No indoor magazine shall be located in a residence or dwelling. Indoor magazines shall be located on a floor that has an exit at or ramp to exterior grade level and shall be located not more than 10 feet from that exit. These requirements shall be waived by the Department if it is determined an alternative location offers improved safety and security. Magazines may be located in the same building or facility when magazines used for detonators are limited to 5,000 detonators and when a distance of 10 feet is maintained between any detonator and explosive storage magazines. All indoor magazines must be on casters or wheels to facilitate removal from a building in an emergency. The local fire department shall be notified of the location of the magazines and of any change in location.
- d) A Type 3 magazine is not subject to the American Table of Distances nor the Table of Separation Distances for Low Explosives, but shall be located as far away as practicable from neighboring inhabited buildings, railways, highways and any other magazines.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

SUBPART F: MAGAZINE CONSTRUCTION STANDARDS

Section 200.500 Construction of Magazines

- a) *The Director may authorize alternate construction for explosives storage magazines when it is shown that the alternate magazine construction is substantially equivalent to the standards of safety and security contained in this subpart. Any person intending to use alternate magazine construction shall submit a letter of application to the Director, specifically describing the proposed magazine. Explosive materials may not be stored in alternate magazines before the applicant has been notified that the application has been approved. (Section 5013(b) of the Act)*

- b) Magazines constructed according to the following minimum specifications are approved as bullet-resistant as defined by Section 200.11 (all steel and wood dimensions are actual thickness; all concrete block and brick dimensions are nominal thicknesses):
- 1) Exterior of steel:
 - A) $\frac{5}{8}$ inch steel with an interior lining of any type of non-sparking material.
 - B) $\frac{1}{2}$ inch steel with an interior lining of not less than $\frac{3}{8}$ inch plywood.
 - C) $\frac{3}{8}$ inch steel with an interior lining of:
 - i) 2 inches of hardwood, or
 - ii) 3 inches of softwood, or
 - iii) $2\frac{1}{4}$ inches of plywood.
 - D) $\frac{1}{4}$ inch steel with an interior lining of:
 - i) 2 inches of hardwood, or
 - ii) 5 inches of softwood, or
 - iii) $5\frac{1}{4}$ inches of plywood, or
 - iv) $1\frac{1}{2}$ inches of plywood with an intermediate layer of 2 inches of hardwood.
 - E) $\frac{3}{16}$ inch steel with an interior lining of:
 - i) 4 inches of hardwood, or
 - ii) 7 inches of softwood, or
 - iii) $6\frac{3}{4}$ inches of plywood, or
 - iv) $\frac{3}{4}$ inches of plywood with an intermediate layer of 3 inches of hardwood.
 - F) $\frac{1}{8}$ - inch of steel with an interior lining of:
 - i) 5 inches of hardwood, or

- ii) 9 inches of softwood, or
 - iii) $\frac{3}{4}$ inches of plywood with an intermediate layer of 4 inches of hardwood, or
 - iv) $\frac{3}{4}$ inches of plywood with a first intermediate layer of $\frac{3}{4}$ inch plywood and a second intermediate layer of $3\frac{5}{8}$ inches of well-tamped dry sand or sand and cement mixture.
- 2) Exterior of any type of fire-resistant material that is structurally sound with:
 - A) An interior lining of $\frac{1}{2}$ inch plywood placed securely against an intermediate layer of:
 - i) 4 inches solid concrete block, or
 - ii) 4 inches solid brick, or
 - iii) 4 inches solid concrete.
 - B) An interior lining of $\frac{3}{4}$ inches of plywood and a first intermediate layer of $\frac{3}{4}$ - inch plywood, a second intermediate layer of $3\frac{5}{8}$ inch well-tamped dry sand or sand and cement mixture, a third intermediate layer of $\frac{3}{4}$ inch plywood, and a four intermediate layer of 2 inches of hardwood or 14-gauge steel.
 - C) An intermediate 6 inch space filled with well-tamped dry sand or well-tamped sand and cement mixture.
- 3) Masonry construction of:
 - A) Standard 8 inch concrete block with voids filled with well-tamped dry sand or well-tamped sand and cement mixture, or
 - B) Standard 8 inch solid brick, or
 - C) 8 inch thick solid concrete.
- c) The ground around a magazine shall be graded in such a manner that water will not drain into the magazine.
- d) Battery-activated safety lights or battery-activated safety lanterns may be used in explosives storage magazines. Upon request, electric lighting systems for

magazines will be authorized by the Department if they meet the standards prescribed by the National Electrical Code, for the conditions present in the magazine at any time. All electrical switches must be located outside of the magazine and also meet the standards prescribed by the National Electrical Code.

- e) Type 1, 2, 3 or 4 magazines constructed with masonry walls or with any ferrous metal must have such interior surfaces covered with a non-sparking lattice, paint, mastic, or equivalent lining to prevent direct contact with stored explosive materials.
- f) In a Type 5 magazine, ferrous metal may be exposed on the interior of the magazine provided it cannot rupture the packages of explosive materials.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.501 Type 1 Magazine

A Type I magazine shall be a permanent structure, such as a building or an igloo, that is bullet resistant, fire resistant, theft resistant, weather resistant and ventilated.

- a) Walls
The walls shall be constructed according to any of the specifications listed in Section 200.500.
- b) Doors
The doors shall be constructed according to any of the specifications listed in Section 200.500.
- c) Roof
The roof shall be constructed of any type of structurally sound materials that are or have been made fire resistant on the exterior.
- d) Roof or Ceiling
Where the natural terrain around a Type I magazine makes it possible to shoot a bullet through the ceiling or roof at such an angle that a bullet could strike the explosive materials stored in the magazine, then either the roof or ceiling shall be of bullet-resistant construction. A bullet-resistant roof shall be constructed according to any of the specifications listed in Section 200.500. A bullet-resistant ceiling may be constructed at the eave line, covering the entire area of the magazine except the space necessary for ventilation. Examples of ceiling construction that are considered bullet resistant are:
 - 1) A sand tray having a depth of not less than 4 inches of sand.
 - 2) Any construction meeting specifications of Section 200.500.

- e) Foundation
The foundation may be of masonry, wood or metal and shall be completely enclosed except for openings to provide cross-ventilation. A wooden foundation enclosure shall be covered on the exterior with a fire-resistant material.
- f) Floor
The floor may be constructed of wood or other suitable materials. Floors constructed of materials that may cause sparks shall be covered with a surface of non-sparking materials or the packages of explosive materials shall be placed on pallets of non-sparking materials.
- g) Ventilation
Ventilation shall be provided to prevent dampness and heating of stored explosive materials. Ventilating openings shall be screened to prevent the entrance of sparks. Ventilation openings in side walls and foundations shall be offset or shielded for bullet-resistant purposes. Magazines having foundation and roof ventilators with the air circulating between the side walls and the floors and between the side walls and the ceiling shall have a wooden lattice lining or equivalent to prevent the packages of explosive materials from being stacked against the side walls and blocking the air circulation.
- h) Locks
Each door shall be equipped with two mortise locks; or with two padlocks fastened in separate hasps and staples; or with a combination of a mortise lock and a padlock; or with a three point lock, or equivalent type of lock that secures a door to the frame at more than one point. Padlocks shall be steel having at least five tumblers and at least $\frac{3}{8}$ inch diameter case-hardened shackle. All padlocks shall be protected by $\frac{1}{4}$ inch steel hoods that are installed in such a manner as to discourage insertion of bolt cutters, saws, files or levering devices. Doors that are secured by at least two substantial internal bolts or bars do not require additional locking devices. Hinges and hasps shall be of substantial theft-resistant construction and all locking hardware shall be rigidly secured and fastened by welding or through bolts that cannot be removed when the door is locked.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.502 Type 2 Magazine

A Type 2 magazine shall be a portable or mobile structure, such as a box, skid-magazine, trailer or semi-trailer, that is bullet resistant, fire resistant, theft resistant, weather resistant, and ventilated, except that Type 2 indoor magazines need not be bullet or weather resistant or ventilated. Any construction specified for a Type 1 magazine is acceptable for a Type 2 magazine.

- a) Type 2 Outdoor Magazines. Outdoor magazines shall be constructed according to the following specifications or to any of the specifications listed in Section 200.500.

- 1) The exterior and doors shall be constructed of not less than ¼ inch steel and lined with at least two inches of hardwood. Magazines with top openings shall have lids with water-resistant seals or that overlap the sides by at least one inch when in a closed position.
 - 2) Floors covered of ferrous metal shall be covered with a surface of non-sparking material. Magazines with top openings shall have a lid that overlaps the sides by at least one inch when in closed position.
 - 3) The magazine shall be supported in such a manner as to prevent the floor from having direct contact with the ground. Magazines less than one cubic yard in size shall be securely fastened to a fixed object to prevent theft of the entire magazine.
 - 4) Hinges, hasps, locks and locking hardware shall conform to the provisions for Type 1 magazines as specified in Section 200.501(h). When unattended, a vehicular magazine shall have wheels removed, or be locked with a kingpin locking device, or otherwise be effectively immobilized.
- b) Type 2 Indoor Magazine
- 1) Type 2 indoor magazines constructed of wood shall have sides, bottoms and lids or doors constructed of two inch wood and shall be well braced at corners. The magazines shall be covered with sheet metal of not less than 26-gauge. Nails exposed to the interior of such magazines shall be countersunk.
 - 2) Type 2 indoor magazines constructed of metal shall have sides, bottoms and the lids or doors constructed of 12-gauge metal and shall be lined inside with a non-sparking material. Edges of metal lids shall overlap sides at least one inch.
 - 3) Type 2 indoor magazines shall be provided with substantial wheels or casters to facilitate removal from a building in an emergency. The lid of the magazines shall have substantial strap hinges and a means for locking with at least a five tumbler steel padlock having at least a ¾ inch diameter case-hardened shackle. The magazines shall be kept locked except during the placement or removal of explosive materials.
 - 4) Type 2 indoor magazines shall bear contrasting lettering, on top, at least three inches high, reading "Explosives – Keep Fire Away" or a similar warning.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.503 Type 3 Magazine

A Type 3 magazine shall be a portable structure that is fire-resistant, theft-resistant, weather-resistant, and ventilated.

- a) Type 3 magazines shall be constructed according to the following specifications or to any of the specifications listed in Section 200.500 of this Part which is practical.
 - 1) A type 3 magazine is to be constructed of not less than number 12 gauge (.1046 inches) steel, lined with at least either ½-inch plywood or ½-inch Masonite-type hardboard.
 - 2) Doors must overlap sides by at least one inch.
 - 3) Hinges and hasps are to be attached by the welding, riveting or bolting with the nuts on the inside.
- b) Type 3 magazines shall be equipped with at least a five-tumbler steel padlock having at least a ⅜ inch-diameter case hardened shackle.

Section 200.504 Type 4 Magazine

A Type 4 magazine shall be a permanent, portable or mobile structure such as a building, igloo, box, semi-trailer or other mobile containers that is fire resistant, weather resistant and ventilated, except that over-the-road trucks or semi-trailers used for temporary storage need not be ventilated or fire resistant.

- a) Type 4 Outdoor Magazine.
A Type 4 outdoor magazine shall be constructed of masonry, wood covered with metal, fabricated metal or a combination of these materials. Inside walls shall be constructed of non-sparking materials. The door shall be metal or wood covered with metal. The requirements of Section 200.501(e), (f) and (h) pertaining to foundations, floors, hinges, hardware and locks shall apply to permanent Type 4 outdoor magazines.
- b) Type 4 Indoor Magazine.
A Type 4 indoor magazines shall be constructed in accordance with the provisions for a Type 2 indoor magazine set forth in Section 200.502.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.505 Type 5 Magazine

A Type 5 magazine shall be a permanent, portable or mobile structure, such as a building, igloo, box, bin, tank, semi-trailer, bulk trailer, tank trailer, bulk truck, tank truck or other mobile container, that is fire resistant, theft resistant, weather resistant, and ventilated, except that over-the-road trucks or semi-trailers used for temporary storage need not be fire resistant or ventilated and indoor magazines need not be weather resistant or ventilated. Interior of Type 5 magazines need not be covered with non-sparking material.

- a) Each door of a Type 5 magazine shall be locked with at least one steel case five-tumbler padlock having at least a $\frac{3}{8}$ inch diameter case-hardened shackle. A hood for the padlock is not required. Hinges and hasps shall be of substantial theft-resistant construction and all locking hardware shall be rigidly secured and fastened by welding or through bolts that cannot be removed when the door is locked.
- b) When unattended, a vehicular magazine shall have wheels removed, or be locked with a kingpin locking device, or otherwise be effectively immobilized.
- c) *Where mobile or portable Type 5 magazines are permissible and used, "magazine", for the purpose of obtaining certificates and calculating fees, means the site on which the magazines are located.* (Section 1003 of the Act)
(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

SUBPART G: MAGAZINE OPERATIONS AND MAINTENANCE

Section 200.600 Magazine Keeper

- a) Magazines shall, at all times, be in the charge of a competent person, known as the magazine keeper, who shall be at least 21 years of age, possess a valid Illinois explosives license, unless exempted under Section 2000 of the Act, and is conversant with and will be responsible for the enforcement of all safety and security precautions. The current business and residence addresses and telephone numbers of the magazine keeper shall be on file with the Department at all times.
- b) The magazine keeper is responsible for seeing that the magazine is operated and maintained in accordance with this Part and that all reports and records are made and kept in accordance with Subpart I. The holder of the certificate may designate additional magazine keepers.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.601 Security Precautions

- a) **Inspection.**
All magazines containing explosive materials shall be inspected at least every 7 calendar days to determine whether there has been an unauthorized entry or attempted entry into the magazines; or to determine whether there has been unauthorized removal of the magazines or their contents. This inspection does not require a physical inventory unless there is evidence of unauthorized entry or removal.
- b) **Locks.**
Magazine doors shall be kept locked, except during the placement or removal of explosive materials, or during inspections or inventories.

Section 200.602 Safety Precautions – General

- a) **Safety Rules**
Safety rules (available from the Department) covering the operations of magazines shall be posted on the interior of the magazine door.
- b) **Warning Signs**
The premises upon which all outdoor magazines are located shall be posted with signs reading "Explosives – Keep Off" or "Explosives – Magazine – Dangerous" or bearing other similar words of warning. Signs shall be located so that a bullet passing directly through the sign cannot strike the magazine.
- c) **Combustible, Sparking Materials, Equipment**
Magazines shall be used exclusively for the storage of explosive materials and blasting accessories. No metal tools other than nonferrous conveying equipment may be stored in the magazine unless protected by a non-sparking paint. Combustible materials shall not be stored within 50 feet of magazines.
- d) **Smoking, Flames**
Smoking, matches, open flames, spark-producing devices, and firearms shall not be permitted inside of or within 50 feet of magazines, except that authorized persons may carry firearms within 50 feet of, but not inside, a magazine.
- e) **Unstable, Leaking Materials**
When explosive materials have deteriorated to an extent that they are in an unstable or dangerous condition, or any liquid leaks from any explosive material, then the person in possession of the explosive material shall immediately proceed to deal with the explosive material in accordance with the instructions of the manufacturer. Only authorized persons shall direct the work of destroying explosive materials.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.603 Safety Precautions – Handling and Storage

- a) **Use of Stocks**
When explosive material is removed from a magazine for use, the oldest stocks shall be removed first. Where the certificate holder has adopted a quality control program that does not necessarily involve the removal of the oldest stock first, but that complies with Section 200.602(e), the requirements of this subsection shall be deemed to be met.
- b) **Like Stocks Together**
Corresponding grades and brands shall be stored in a magazine together and in such a manner that brand and grade marks are visible. All stocks shall be stored so as to be easily counted and checked.

- c) **Stacking**
Containers of explosive materials shall be stacked in a stable manner to prevent shifting or falling. Rigid containers of explosive materials shall be laid flat, and cases shall be placed with top side up.
- d) **Ventilation**
Explosive materials shall be stored within a magazine so as not to interfere with required ventilation.
- e) **Black Powder**
Black powder, when stored in the same magazine with other explosive material, shall be stacked separately.
- f) **Containers**
Containers of explosive materials that have been opened shall be securely closed before being placed in a magazine. Only fiberboard containers may be opened in the magazine.
- g) **Damaged Containers**
Containers of damaged explosive materials shall not be unpacked or repacked in, or within 50 feet of, a magazine or in close proximity to other explosive materials.
- h) **Non-Sparking Tools**
Tools used for opening containers of explosive materials shall be constructed of non-sparking material, except that metal slitters may be used for opening fiberboard containers, provided that the metal slitter does not come into contact with any metallic fasteners that may be in or part of the case. Only a wooden wedge and a fiber, rubber or wooden mallet shall be used for opening or closing wood containers of explosive materials.
- i) **Stained Floors**
Magazine floors stained with liquid shall be dealt with according to instructions of the manufacturer.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.604 Magazine Maintenance and Repair

- a) **Sweeping, Cleaning.**
Magazine floors shall be regularly swept, kept clean, dry, free of grit, paper and rubbish. Brooms and other cleaning utensils shall not have any spark-producing metal parts. Sweepings of explosive materials from the floors of magazines shall be disposed of in accordance with safe handling procedures.

- b) Exterior Maintenance.
The land within 25 feet of any magazine shall be kept clear of rubbish, brush, dried grass, leaves, dead trees, and all live trees less than ten feet high.
- c) Interior Repairs.
When magazines need interior repairs, all explosive materials shall be removed therefrom and the floors cleaned before and after making repairs.
- d) Exterior Repairs.
In making exterior magazine repairs, when there is a possibility of causing sparks or fire, all explosive materials shall first be removed from the magazine.
- e) Storage During Repair.
Explosive materials removed from a magazine under repair shall either be placed in another magazine or placed a safe distance from the magazine, where they shall be properly guarded and protected until repairs have been completed. In determining safe distance, the type and extent of repair and the potential for production of spark or flame shall be considered, but in no event shall the distance be less than that specified in the American Table of Distances and the Separation Distances of Ammonium Nitrate and Blasting Agents From Explosives or Blasting Agents. Upon completion of repairs, the explosive materials shall be properly returned to the magazine.

(Source: Amended at 16 Ill. Reg. 11449, effective July 6, 1992)

SUBPART H: TYPE 3 MAGAZINES AND VEHICLES AT BLAST AREAS

Section 200.700 Requirements for Type 3 Magazines

- a) Type 3 magazines are intended only for the temporary storage of explosive materials and are authorized for storage only during transport to and use at the blast area. A storage certificate is not required for a Type 3 magazine.
- b) Type 3 magazines containing explosive materials must be attended at all times. For the purposes of this subsection, "attended at all times" means that the magazine must at all times be within the line of sight of, and visible to, a member of the work or blasting crew authorized to enter the magazine.
- c) Type 3 magazines must be locked during transport to and from the permanent magazine and blast area except during continuous drilling and loading at the site. The requirements that Type 3 magazines be locked as specified in this subsection are in addition to the requirements that Type 3 magazines be attended at all times.
- d) Daily, at the conclusion of blasting operations, all explosive materials shall be returned to a Type 1, 2, 4 or 5 magazine, as appropriate, for unattended storage.

- e) Type 3 magazines and blast areas shall be posted with warning signs in accordance with Section 200.602(b) of this Part.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.701 On-Site Vehicles; Warning Signs

- a) Every vehicle carrying explosive materials on mine, quarry, construction or other blast areas shall have the word "Explosive" painted on or attached to all 4 sides of the vehicle.
- b) The requirements of subsection (a) do not apply to any vehicle placarded in accordance with the Hazardous Materials Emergency Act [430 ILCS 50].
- c) No individual shall approach, ride upon, drive, load or unload a vehicle carrying explosive material carelessly, recklessly or while smoking or under the influence of intoxicating liquor or narcotic drug.
- d) No individual shall place or carry, or cause to be placed or carried, in or upon a vehicle containing explosive material any metal tool, piece of metal, fire, or any match, exploder, detonator, blasting cap or other device for producing spark, flame or heat, except tools for the operation and repair of the vehicle and tools normally used for preparation of explosive materials for blasting.
- e) No passengers, other than authorized helpers, shall be carried in or upon a vehicle containing an explosive material.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

SUBPART I: RECORDKEEPING AND REPORTING

Section 200.800 Possession of License

- a) Licenses issued under Subpart B must be carried on the person at all times when the licensee is purchasing, acquiring, possessing, using, disposing of, transferring or otherwise handling explosive materials.
- b) Upon request, licensees must present their license to Department or law enforcement personnel, as required by the Department.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.801 Posting of Storage Certificate

The original storage certificate issued under Subpart C of this Part must be posted in the magazine for which the certificate was issued, or kept at the magazine keeper's principal place of business (or residence if no separate business office is maintained). If the original storage certificate is kept at the magazine keeper's principal place of business or residence, a copy shall be posted in the magazine.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.802 Report of Lost, Stolen or Destroyed Explosives License, Temporary Explosives License or Storage Certificate

- a) Upon discovery that an explosives license, a temporary explosives license or storage certificate has been lost, stolen or destroyed, the holder must notify the Department immediately by phone.
- b) Written notice shall be sent to the Department within 5 days after the phone notification, shall be executed under penalties of perjury, and shall include a description of the time, location and circumstances surrounding the loss, theft or destruction of the license or certificate.
- c) Upon receipt of the notice, the Department will cancel the license or storage certificate and, upon payment of the required fee (see Subpart D), will issue a new original license or storage certificate with a newly assigned license or certificate number.
- d) At any time a lost or stolen certificate is found or recovered, it must be returned to the Department.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.803 Worn or Damaged License or Storage Certificate

At any time an explosives license, a temporary explosives license or a storage certificate becomes worn or damaged to the extent that it is illegible in any respect, it must be returned to the Department. Upon receipt of the original license or storage certificate, and the required fee (see Subpart D), the Department will issue a duplicate original.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.804 Report of Changed Conditions; Cancellation or Modification of Storage Certificate

- a) The holder of a storage certificate shall notify the Department of any changed condition affecting the storage certificate. Changed conditions include, but are not limited to, the relocation of a magazine, the construction of additional magazines, and the construction and/or opening of an inhabited building, highways or railways affecting the distance requirements set forth in Section 200.402.
- b) Notification shall be in writing, and can also be by electronic submission at DNR.Explosives@illinois.gov or by telephone at (217)782-9976, and shall be made as soon as practicably possible after discovery of the changed condition, but in any event no later than 5 business days prior to the intended relocation or addition of magazines, or the scheduled habitation or public opening of buildings, highways or railways.
- c) In circumstances in which the holder had no notice of a changed condition affecting the storage certificate, the holder shall contact the Department immediately by telephone at (217)782-9976 or by email at DNR.Explosives@illinois.gov upon discovery of the changed condition.
- d) Upon notification, the Department will conduct an inspection and will cancel or modify the storage certificate as appropriate. Modification may include, but is not limited to, relocation, reduction of the quantity of explosive materials that may be stored, and the requirement of a barricade.
- e) When the Department issues a modified storage certificate, the fee specified in Subpart D shall be assessed for each storage certificate requiring modification.
- f) The certificate holder shall be allowed to relocate an approved magazine within the same geographic site without payment of additional fees, provided the new location will allow storage of the same amount of explosives indicated on the existing certificate. The Department must be notified in advance of the relocation. The relocation of a magazine in this manner does not constitute a modification.
- g) *Storage certificates issued under the Act are not transferable. In the event of the lease, sale or other transfer of the business or operations covered by the certificate, the new owner, tenant or successor in interest must obtain the storage certificate required by this Part before storing explosive materials. (Section 3002(d) of the Act)*

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.805 Report of Theft or Loss of Explosive Materials and Accidents, Injuries or Incidents

- a) An explosives license holder, temporary explosives license holder or storage certificate holder shall immediately report to the Office of Mines and Minerals by telephone at (217)782-9976 or by email at DNR.Explosives@illinois.gov and in writing within 24 hours after any accident, injury or incident involving explosive materials that results in death, personal injury requiring medical attention or property damage.
- b) An explosives licensee, temporary explosives licensee or storage certificate holder shall report the theft or loss of explosive materials to the Office of Mines and Minerals immediately by telephone at (217)782-9976 or by email at DNR.Explosives@illinois.gov within 24 hours after discovery. The explosives licensee, temporary explosives licensee or storage certificate holder shall also immediately notify local law enforcement of the theft or loss of explosive materials.
- c) The written notice shall be executed under penalties of perjury and shall include a complete description of the explosive materials, including the manufacturer, brand name, any manufacturer marking, and quantity, and the circumstances surrounding the theft or loss. The written notice shall also identify local law enforcement agencies contacted by the explosives licensee or storage certificate holder.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.806 Records of Transactions – Explosives Licensees, Temporary Explosives Licensees and Storage Certificate Holders

- a) The requirements of this Section shall not apply to any explosives licensee or storage certificate holder who is a holder of an explosives license, a temporary explosives license or permit issued by ATF and who satisfies the recordkeeping requirements for transactions of explosive materials prescribed by ATF, except that, in all cases, the information required under subsection (b)(2) shall be recorded. Unless otherwise exempted by the Act, it shall be unlawful to sell explosives to a person who does not possess a valid Illinois explosives license or storage certificate. The Department shall be allowed to inspect all ATF records. Failure to produce the records or failure to keep complete records may be cause for enforcement action under Subpart J.
- b) An explosives licensee, a temporary explosives licensee or a holder of a storage certificate shall maintain a record of each transaction in which explosive materials are sold, purchased or otherwise transferred. The record shall be made on a sales slip, delivery ticket, invoice, ATF transaction record form, or other document and shall include:

- 1) the name and address of the seller or person from whom the explosive materials were procured;
 - 2) the name, address and Illinois explosives license, temporary explosives license or storage certificate number (with expiration date), if applicable, of the purchaser or person to whom the explosive materials were delivered;
 - 3) the date of purchase or delivery; and
 - 4) the quantity and description of the explosive materials.
- c) Records of transactions for each explosives license, temporary explosives license or storage certificate shall be kept and maintained for a minimum of three years. The transaction records shall be produced by the licensee or certificate holder upon request by the Department.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.807 Daily Summary of Magazine Transactions

- a) A record of the daily inventory shall be kept for each magazine other than a Type 3 magazine. The record shall contain, by manufacturer or brand name, the total quantity of explosive materials received in and removed from the magazine, and the total remaining on hand at the end of the day. Any discrepancy that indicates a theft or loss of explosive materials must be reported in accordance with Section 200.805. The daily inventory records shall be kept for at least three years.
- b) The requirements of this Section shall not apply to a storage certificate holder who is a holder of a license or permit issued by ATF and who satisfies the requirements for making daily summaries of magazine transactions prescribed by ATF, but compliance will not relieve the holder from making any reports under Section 200.805. The Department shall be allowed to inspect the inventory records. Failure to produce the records or failure to keep complete records may be cause for enforcement action under Subpart J.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.808 Transactions – Black Powder

- a) In lieu of the requirements of Sections 200.806 and 200.807, a holder of a storage certificate who engages in the sale of black powder in quantities not exceeding 5 pounds for sporting and recreational uses shall maintain a record of each transaction. The record shall be made in a book or ledger kept for that purpose and shall include:

- 1) the name, address and storage certificate number of the seller;
 - 2) the name and address of the purchaser;
 - 3) the Firearm Owner's Identification (FOID) card number of the purchaser if the purchaser is a resident of Illinois, or other positive identification if the purchaser is a non-resident;
 - 4) the date of purchase; and
 - 5) the quantity of black powder transacted.
- b) Records of transactions shall be kept in chronological order and maintained for a minimum of three years from the date of the transaction at the storage site.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.809 Record of Annual Physical Magazine Inventory

- a) The holder of a storage certificate shall conduct and make a complete record of the physical inventory of explosive materials annually during the 6 month renewal period. If the inventory is conducted at the time of or prior to the annual inspection provided for in Section 200.206, the record shall be made available to the Department at the annual inspection. If the inventory is conducted after the annual inspection is completed, the holder shall submit a copy to the Department prior to the last day of February.
- b) In addition, the holder of a storage certificate shall conduct and make a complete record of the physical inventory whenever the Department or holder has reason to believe, based on a personal observation, a review of records, or information received from other persons, that explosive materials may be lost or stolen from a magazine or otherwise unaccounted for, or that the amount or type of explosives being stored is not in compliance with the storage certificate. The holder of a certificate of storage shall also conduct and make a complete record of the physical inventory upon the request of the Department, based on the same beliefs. A special inventory conducted and recorded under this subsection satisfies the annual inventory requirement if it is conducted and recorded during the 6 month renewal period.
- c) The annual inventory requirements of subsection (a) shall not apply to a storage certificate holder who is a holder of an explosives license, a temporary explosives license or storage permit issued by ATF and who satisfies the annual and special inventory requirements prescribed by ATF, but compliance will not relieve the holder of a storage certificate from the obligation of conducting special inventories in accordance with subsection (b). The Department shall be allowed to inspect the inventory records and failure to produce the records or failure to keep complete records may be cause for enforcement action under Subpart J.

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.810 Inspections (Repealed)

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.815 Monitoring and Reporting

Pursuant to Section 4003(a) of the Act, the Department shall require the licensee to maintain any records pertaining to the possession, use, purchase, transfer and storage of explosive materials as the Department may prescribe and shall furnish the Department or its authorized representatives those records or other relevant information legally requested by the Department or its representatives. Explosives licensees and storage certificate holders shall maintain their records and other relevant information at a safe and secure location that is not in the immediate area where the explosives are stored.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

SUBPART J: INSPECTION AND ENFORCEMENT**Section 200.900 Notice of Department's Intended Action; Contents and Services (Repealed)**

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.901 Request for Hearing on Department's Intended Action; Contents and Service (Repealed)

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.902 Notice of Hearing (Repealed)

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.903 Postponement or Continuance of Hearing (Repealed)

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.904 Hearing Officer; Powers and Duties (Repealed)

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.905 Pre-Hearing Conferences (Repealed)

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.906 Burden and Standard of Proof (Repealed)

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.907 Default (Repealed)

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.908 Evidence (Repealed)

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.909 Briefs (Repealed)

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.910 Hearing Officer's Decision (Repealed)

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.911 Final Administrative Decision (Repealed)

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.912 Administrative Fines (Repealed)

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.913 Immediate Suspension Without Notice of Hearing (Repealed)

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.914 Computation of Time (Repealed)

(Source: Repealed at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.915 Inspections by the Department

- a) Explosives licensees, temporary explosives licensees and storage certificate holders shall make all required records available to authorized representatives of the Department and shall permit their facilities to be inspected by representatives of the Department.
- b) The Department shall conduct inspections of explosives facilities as follows:
 - 1) Upon receipt of an original, renewal or modification storage certificate application; or

- 2) At such other times and conditions as the Department deems appropriate. Inspections may be conducted randomly without prior notice.
- c) All Department employees shall inform the person or the person's designated representative, if either is present, upon arrival at the inspection site.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.920 Enforcement Actions

- a) Pursuant to Sections 2011, 3002, 3004 and 5001 of the Act, the Department is authorized to take the following enforcement actions:
 - 1) refuse to issue or renew an explosives license, a temporary explosives license or a storage certificate, as set forth in Subparts B and C;
 - 2) suspend or revoke an explosives license, a temporary explosives license or a storage certificate with notice of a hearing;
 - 3) summarily suspend or revoke an explosives license, a temporary explosives license or a storage certificate without notice of a hearing wherever the Department finds that a condition or practice exists that could reasonably be expected to cause death, serious physical harm or property damage;
 - 4) cancellation of a storage certificate for storage of explosive materials in excess of the amount authorized by the certificate or change in physical conditions surrounding the magazine, as set forth in Subpart I;
 - 5) imposition of fines not to exceed \$5,000 per occurrence;
 - 6) issuance of a notice of violation;
 - 7) imposition of temporary or permanent conditions on a license or storage certificate; and
 - 8) any other disciplinary action the Department may deem proper.
- b) **Term of Suspension or Revocation**
In those instances in which the Department suspends or revokes a license or certificate, the term of the suspension or revocation shall not exceed 5 years.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.925 Notice of Violation

- a) An authorized representative of the Department shall issue a notice of violation if it is determined that any person is in violation of the Act, this Part or any term or condition of any explosives license or storage certificate.
- b) A notice of violation issued under this Section shall be in writing, shall be signed by the authorized representative who issued it, and shall set forth with reasonable specificity:
 - 1) The nature of the violation;
 - 2) Statutory citations and/or administrative regulations violated;
 - 3) If any remedial action is required or possible, any interim steps;
 - 4) If remedial action is required, a reasonable time for abatement, including time for accomplishment of interim steps and for completion of all actions necessary to address the violation;
 - 5) A reasonable description of the statutory provisions to which the notice of violation applies.
- c) A notice of violation shall be served upon the person or an agent of the person, if either is present on site. If the person, or person's agent, is not present, the notice of violation shall be sent by certified mail to the person's address. The notice of violation shall be considered served when personally delivered or mailed.
- d) The person issued the notice of violation may provide the Department a written response to the violations within 14 days after the delivery or mailing of the notice. The written response may include a proposed alternative to the Department's specified remedial action, if any, needed to abate the violations. The Department shall consider any information submitted in determining the facts surrounding the violation and the amount of the penalty.
 - 1) The written response shall be submitted to the:

Illinois Department of Natural Resources
Office of Mines and Minerals
Mine Safety and Training Division
One Natural Resources Way
Springfield IL 62702-1271

- 2) The response must be postmarked or hand delivered by the 14th day after delivery or mailing of the notice of violation.
- e) A notice of violation issued under this Section shall continue in effect until modified, vacated or terminated by the Department. Termination shall not affect the right of the Department to assess civil penalties for those violations in accordance with Section 200.930(b)(2). A notice of violation can only be terminated when all abatement action required by the Department has been completed.
- f) A notice of violation may be modified, vacated or terminated in writing by either:
 - 1) An authorized representative of the Department; or
 - 2) The issuance of a Decision by the Director, or designee, pursuant to Section 200.930(d); or
 - 3) The issuance of a final administrative decision by the Director in accordance with Subpart K.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.930 Office of Mines and Minerals Director's Decision

- a) After the 14 day requirement in Section 200.925(d) has elapsed, the Director, or a designee, shall review the notice of violation and any response from the alleged violator and shall affirm, modify or vacate the notice of violation in writing.
- b) Modification of the notice of violation by the Director may include:
 - 1) any different or additional remedial actions necessary to abate the violation and the time within which the violation must be abated;
 - 2) the assessment of civil penalties;
 - 3) probationary or permanent modification or conditions on the explosives license, temporary explosives license or storage certificate;
 - 4) the time set for abatement or for accomplishment of an interim step, which may be extended due to the existence of any additional conditions or factors in aggravation or mitigation of the violation, including information provided by the person, if the failure to meet the time previously set was not caused by lack of diligence on the part of the person to whom it was issued; and

- 5) other disciplinary action, including suspension or revocation of the explosives license, temporary explosives license or storage certificate; and
 - 6) termination of the violation (when all abatement action required by the Department has been completed).
- c) Inability to Comply
- 1) No notice of violation issued under this Part may be vacated because of an inability to comply.
 - 2) Unless caused by lack of diligence, inability to comply may be considered only in mitigation of the amount of civil penalty under subsection (d).
- d) The Director's Decision shall be served personally or mailed by certified mail, return receipt requested, to the violator's last known address within 60 days after the issuance of the notice of violation. The Director's Decision affirming, vacating or modifying the notice of violation shall be considered served when either served personally on the violator or received by certified mail, return receipt requested, to the person at his or her last known address. The Director's Decision shall include:
- 1) the specific grounds upon which the Director's Decision is based;
 - 2) the action the Department intends to take, including the amount of any fine the Department intends to impose;
 - 3) a statement that the recipient may request a hearing to contest the Department's action by filing a written request for hearing within 30 days after the decision is mailed. Filing of the request for hearing shall be deemed complete upon its receipt by the Department, as evidenced by the date upon which the Department's mail receipt stamp appears on the request for hearing;
 - 4) a statement that the person named in the notice has the right to request a hearing to contest the facts of the violations alleged by the Department within 30 days from the date he or she received the Director's Decision, and a statement that recipient's failure to make a written request for hearing within 30 days after the date the Director's Decision is mailed/personally served personally will constitute a waiver of the recipient's rights to contest the action and will result in the Director's Decision becoming a final administrative decision affirming the Department's action, which shall be conclusively presumed to be correct.

- e) A Director's Decision not contested within 30 days after service shall become a final administrative decision of the Department under Section 5008 of the Act. The filing of a request for hearing shall not operate as a stay of the Director's Decision.
- f) If the Director's Decision includes the assessment of a fine, and the person named in the Director's Decision does not request a hearing in accordance with subsection (e), the amount assessed shall be paid to the Department in full within 30 days after service of the Director's Decision. If a hearing is requested, any civil penalty assessment shall be paid within 30 days after the final administrative or judicial decision.
- g) All administrative fines assessed and paid to the Department shall be deposited in the Explosives Regulatory Fund.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.935 Process for Assessment of Fines

- a) The Department may assess a penalty for each notice of violation. The civil penalty shall be determined as provided in this Section, considering the person's history of violations, plus the seriousness of the violation, plus the degree of culpability. All fines imposed under the Act and this Section shall be in accordance with this Part.
 - 1) The Person's History of Previous Violations. For purposes of determining the history of violations, the Department shall consider only those violations that have a Department's final administrative decision or a final judicial decision affirming the final administrative decision occurring within a 10 year period.
 - A) A violation shall not be counted if the notice or order is the subject of pending administrative review by the Department pursuant to Subpart K or if the time to request a review has not expired. Thereafter, it shall be counted for a 10 year period after the date of the Department's final administrative decision or a final judicial decision affirming the final administrative decision;
 - B) No violation for which the notice has been vacated shall be counted;
 - C) History of Violations

- i) First violation of the rule, assess \$100.
 - ii) Second violation of the same rule within a 10 year period from the date of issuance of the first violation, assess \$250.
 - iii) Third and subsequent violations of the same rule within a 10 year period from the date of issuance of the first violation, assess \$500.
- 2) The Seriousness of the Violation
 - A) If the violation caused or could have been expected to cause injury or damage to property, add \$0 to \$1,000.
 - B) If the violation caused or could be expected to cause death, personal injury requiring medical attention or damage to property, add \$1,000 to \$3,500.
- 3) The Degree of Culpability of the Person
 - A) If the violation occurred even though the person used reasonable care, add \$0.
 - B) If the violation occurred due to the person's failure to use reasonable care, add \$0 to \$250.
 - C) If the violation occurred as a result of the person's willful, reckless or deliberate conduct, add \$250 to \$1,000.
- b) When the Department issues a Notice of Violation for an incident or Violation with no determination of culpability, an administrative fine will not necessarily be assessed. The Department may impose any penalty that is authorized under law for any violation of the Act or this Part.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.940 Immediate Suspension or Revocation of License or Storage Certificate

- a) Whenever the Department finds, based upon a reasonable belief from on-site observation, record inspection by Department personnel, information received from law enforcement personnel, information received from the public, or information obtained in any other manner, that a licensee's or certificate holder's violation of the Act or this Part may cause or could be expected to cause death or serious injury to persons or damage to property, the Department may issue an

- order immediately suspending or revoking the explosives license, temporary explosives license or storage certificate.
- b) The Department shall serve its order of immediate suspension or revocation of an explosives license, a temporary explosives license or a storage certificate under this Section either personally or by certified mail to the licensee's or certificate holder's last known address. The immediate suspension or revocation order shall be considered served when personally delivered or on the date that it was mailed.
 - c) The Department shall serve, with the order of immediate suspension or revocation, a notice containing the following information:
 - 1) The specific grounds upon which the explosives license, temporary explosives license or storage certificate suspension or revocation is based;
 - 2) The abatement action required, conditions or other disciplinary action imposed, including the assessment of fines pursuant to Section 200.920(a)(5);
 - 3) A statement that the recipient may request a hearing to contest the suspension or revocation by filing a written request for hearing in accordance with Section 200.930(f) within 30 days after the notice is mailed;
 - 4) A statement that the recipient's failure to make a written request for hearing within 30 days after the notice is mailed will constitute a waiver of the recipient's rights to contest the action. The suspension or revocation notice will then become the final administrative decision of the Department, affirming the Department's action.
 - d) The filing of a request for hearing shall not operate as a stay of the order of immediate suspension or revocation.
 - e) Any occurrence of a violation described in subsection (a) constitutes grounds for the immediate suspension or revocation of a license or certificate. A second or subsequent occurrence of such a violation within a one year period will require the Department to immediately suspend or revoke a license or certificate.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.945 Disposal of Explosives; Surrender or Seizure of License or Certificate

- a) Within 10 days after the cancellation, suspension or revocation of a storage certificate, all explosive materials shall be removed from the magazine covered by the storage certificate and disposed of in accordance with the manufacturer's instructions or relocated to an approved magazine with a valid storage certificate.

Verification of the disposal or relocation shall be made to the Department within 24 hours after the action taken.

- b) Upon the suspension or revocation of any license or certificate, the holder shall immediately surrender the license or certificate to the Department. If the holder fails to do so, the Department has the right to seize the explosives license, temporary explosives license or storage certificate through its agents or local law enforcement personnel. If summary action under Section 5006 of the Act is taken by the Department, the Department shall have the right to seize the explosives license, temporary explosives license or storage certificate immediately upon issuance of its order.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section 200.1000 Notice of Department's Intended Action; Contents and Service

Whenever the Department intends to refuse to issue or renew, to suspend or revoke, or to assess administrative fines against a holder of an explosives license, a temporary explosives license or a storage certificate, the Department shall give written notice to the applicant or holder personally or by certified mail sent to the applicant's or holder's last known address.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1005 Request for Hearing on Department's Intended Action; Contents and Service

The request for a hearing shall be in writing, shall admit or deny matters alleged by the Department, and may include any related explanatory information. The request for hearing shall be delivered personally or by mail sent to the Department at the address indicated in the notice.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1010 Notice Of Hearing

- a) Written notice setting forth the date, time, place and nature of the hearing, and the name and address of the hearing officer, shall be mailed, by certified mail, to an applicant or holder making a timely written request for hearing at least 14 days prior to the scheduled hearing date.
- b) The hearing proceedings shall be commenced within 30 days after receipt of the request for hearing, unless the hearing is continued for good cause at the request of any party.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1015 Postponement or Continuance of Hearing

A hearing may be postponed or continued for due cause by the hearing officer upon his or her own motion or upon the motion of a party to the hearing. A motion filed by a party to the hearing shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of an emergency, motions requesting postponement or continuance shall be made in writing and shall be received by all parties to the hearing at least 3 business days prior to the scheduled hearing date. All parties involved in a hearing shall avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1020 Hearing Officer; Powers and Duties

The Illinois Code of Civil Procedure [735 ILCS 5] and the Illinois Supreme Court Rules apply to administrative hearings under this Part.

- a) The hearing officer designated to preside over a hearing shall take all necessary action to avoid delay, to maintain order, and to develop a clear and complete record, and shall have all powers necessary and appropriate to conduct a fair hearing, including to:
 - 1) administer oaths and affirmations;
 - 2) receive relevant evidence;
 - 3) regulate the course of the hearing and the conduct of the parties and their counsel;
 - 4) consider and rule upon procedural requests;
 - 5) hold conferences for the settlement or simplification of the issues;
 - 6) examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitive or cumulative testimony, and set reasonable limits on the amount of time each witness may testify; and
 - 7) authorize reasonable discovery by a party.
- b) All participants in the hearing shall have the right to be represented by counsel, and corporations shall be represented by an attorney. (See 705 ILCS 220.)

- c) The hearing officer shall allow all parties to present statements, testimony, evidence and argument as may be relevant to the proceeding.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1025 Subpoenas

- a) Any party to proceedings brought under Subpart J may apply for subpoenas to compel the attendance of witnesses and the production of relevant documents.
- b) The applicant shall submit the subpoena request to the Department's hearing officer. The subpoena request shall specifically identify the witness or relevant documents sought to be produced.
- c) The hearing officer shall issue subpoenas within 7 calendar days from the receipt of a request made in accordance with subsection (b) and deliver the subpoena to the applicant who shall serve all subpoenas issued by certified mail, return receipt requested, at least 7 days before the date set for the hearing. Any witness shall respond to any lawful subpoena of which he or she has actual knowledge, if payment of the witness fee and mileage applicable in the State circuit courts has been tendered. Service of a subpoena may be proved prima facie by a return receipt signed by the witness or his or her authorized agent and an affidavit showing that the mailing was prepaid and was addressed to the witness, restricted delivery, with a check or money order for the fee and mileage enclosed.
- d) Any party served with a subpoena under this Section may file with the hearing officer, and serve on all parties, a motion for an order quashing the subpoena, in whole or in part. All motions to quash filed under this subsection shall set forth a factual and/or legal basis for granting that relief.
- e) The hearing officer shall issue, and serve on all parties, a decision granting or denying the motion to quash within 7 calendar days from the receipt of the motion.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1030 Record of Proceedings

The Department or party requesting a hearing may provide a reporter to take down the testimony and preserve a record of all proceedings at any hearing conducted under this Part. The cost of the reporter shall be at the expense of the party requesting the reporter. Copies of the transcript may be purchased from the reporter and each party bears the cost to purchase a copy.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1035 Pre-Hearing Conference

- a) Upon his or her own motion or the motion of a party, the hearing officer shall direct the parties or their counsel to conduct a pre-hearing conference in order to:
 - 1) Simplify the factual and legal issues presented by the hearing request;
 - 2) Receive stipulations and admissions of fact and of the contents and authenticity of documents;
 - 3) Exchange lists of all witnesses the parties intend to have testify and copies of all documents the parties intend to introduce into evidence at the hearing; and
 - 4) Discuss and resolve such other matters as may tend to expedite the disposition of the hearing request and to assure a just conclusion.
- b) Pre-hearing conferences may be held by telephone conference at the discretion of the hearing officer.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1040 Burden and Standard of Proof

The Department shall have the burden of proof at the hearing. The standard for decision shall be a preponderance of the evidence.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1045 Default

If a party, after proper service of notice, fails to appear at a pre-hearing conference or at a hearing, and if no continuance is granted, the Department may then proceed and make its decision in the absence of that party. If the failure to appear at the pre-hearing conference or hearing is due to an emergency situation beyond the party's control, and the Department is notified of the situation on or before the scheduled pre-hearing conference or hearing date, the pre-hearing conference or hearing will be continued or postponed. Emergency situations include sudden unavailability of counsel, sudden illness of a party or his or her representative, or similar situations beyond the party's control.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1050 Evidence

- a) Admissibility: A party shall be entitled to present his or her case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received, but a presiding hearing officer shall exclude evidence that is irrelevant, immaterial or unduly repetitious. The rules of evidence and privilege applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under those rules of evidence may be admitted, except when precluded by statute, if it is of a type commonly relied upon by reasonable, prudent men in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, a hearing officer shall allow evidence to be received in written form.
- b) Official Notice: Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice of that fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1055 Brief

The hearing officer may require or allow parties to submit written briefs within 10 days after the close of the hearing or within such other time the hearing officer determines is consistent with the Department's responsibility for an expeditious decision.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1060 Hearing Officer's Decision

- a) Within 45 days after default, failure to request a hearing or at the conclusion of all hearings conducted under this Subpart, the hearing officer shall issue proposed findings of fact, conclusions of law and a recommended final administrative decision for submittal to the Director.
- b) In issuing his or her findings, conclusions and recommendation, the hearing officer shall not be strictly bound by the actions or relief set forth in the original notice of the Department's intended action. The findings, conclusions and recommendation may include remedies in addition to or different from those originally sought if they are supported by the evidence.

- c) The provisions of subsection (b) shall not apply when the findings, conclusions and recommendation are issued after the applicant or holder fails to request a hearing or fails to appear at a properly scheduled hearing. In such cases, the Department shall be bound by the actions or relief set forth in the original notice of the Department's intended action.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1065 Final Administrative Decision

- a) The Director shall issue a final administrative decision pursuant to Section 5008 of the Act within 30 days after receiving the hearing officer's proposed findings of fact, conclusions of law and recommended final administrative decision.
- b) In issuing his or her final administrative decision, the Director shall not be strictly bound by the actions or relief set forth in the original notice of the Department's intended action. The final administrative decision may include remedies in addition to or different from those originally sought if they are supported by the evidence.
- c) The provisions of subsection (b) shall not apply when the final administrative decision is issued after the applicant or holder fails to request a hearing or fails to appear at a properly scheduled hearing. In such cases, the Department shall be bound by the actions or relief set forth in the original notice of the Department's intended action.
- d) Final administrative decisions are subject to the Illinois Administrative Review Law [735 ILCS 5/Art. III].

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1070 Immediate Suspension Without Notice of Hearing

- a) Whenever the Department finds, based upon reasonable belief from on-site observation, record inspection by Department personnel, information received from law enforcement personnel or information received from the public, that an explosives licensee's, a temporary explosives licensee's or a storage certificate holder's violation of the Act or this Part may cause death, serious injury or property damage, the Department shall issue an order immediately suspending the license or certificate.
- b) The Department shall serve its order of immediate suspension of a license or certificate under this Section by personal service. The order shall also be sent by certified mail to the licensee's or certificate holder's last known address.

- c) The Department shall serve an order of immediate suspension and a notice containing the information set forth in Section 200.1010. The notice will also inform the explosives license holder, the temporary explosives license holder or the storage certificate holder that the failure to request a hearing in accordance with Section 200.1005 of this Part shall result in the automatic issuance of a final administrative decision revoking the license or certificate.
- d) Any occurrence of a violation of this Part constitutes grounds for the immediate suspension of a license or certificate. A second or subsequent occurrence of a violation requires the Department to immediately suspend a license or certificate.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.1075 Computation of Time

- a) Except as otherwise provided, computation of time under this Subpart is based upon calendar days.
- b) In computing any period of prescribed time, the day on which the designated period of time begins is not included. The last day of the period is included unless it is a Saturday, Sunday or legal holiday on which the Department is not open for business, in which event the period runs until the end of the next day that is not a Saturday, Sunday or legal holiday.
- c) Saturdays, Sundays and legal holidays that fall within the prescribed time period are excluded from the computation of time when the prescribed time period is 7 days or less.
- d) A business day is any day the Department is open for business.

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.APPENDIX A American Table of Distances for Storage of Explosive Materials

QUANTITY OF EXPLOSIVE MATERIALS		DISTANCES IN FEET							
		Inhabited Buildings		Public Highways Class A to D		Passenger Railways – Public Highways with Traffic Volume of more than 3,000 Vehicles/Day		Separation of Magazines	
Pounds Over	Pounds Not Over	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded
2	5	70	140	30	60	51	102	6	12
5	10	90	180	35	70	64	128	8	16
10	20	110	220	45	90	81	162	10	20
20	30	125	250	50	100	93	186	11	22
30	40	140	280	55	110	103	206	12	24
40	50	150	300	60	120	110	220	14	28
50	75	170	340	70	140	127	254	15	30
75	100	190	380	75	150	139	278	16	32
100	125	200	400	80	160	150	300	18	36
125	150	215	430	85	170	159	318	19	38
150	200	235	470	95	190	175	350	21	42
200	250	255	510	105	210	189	378	23	46
250	300	270	540	110	220	201	402	24	48
300	400	295	590	120	240	221	442	27	54
400	500	320	640	130	260	238	476	29	58
500	600	340	680	135	270	253	506	31	62
600	700	355	710	145	290	266	532	32	64
700	800	375	750	150	300	278	556	33	66
800	900	390	780	155	310	289	578	35	70
900	1,000	400	800	160	320	300	600	36	72
1,000	1,200	425	850	165	330	318	636	39	78
1,200	1,400	450	900	170	340	336	672	41	82
1,400	1,600	470	940	175	350	351	702	43	86
1,600	1,800	490	980	180	360	366	732	44	88
1,800	2,000	505	1,010	185	370	378	756	45	90
2,000	2,500	545	1,090	190	380	408	816	49	98
2,500	3,000	580	1,160	195	390	432	864	52	104
3,000	4,000	635	1,270	210	420	474	948	58	116
4,000	5,000	685	1,370	225	450	513	1,026	61	122
5,000	6,000	730	1,460	235	470	546	1,092	65	130
6,000	7,000	770	1,540	245	490	573	1,146	68	136
7,000	8,000	800	1,600	250	500	600	1,200	72	144
8,000	9,000	835	1,670	255	510	624	1,248	75	150
9,000	10,000	865	1,730	260	520	645	1,290	78	156
10,000	12,000	875	1,750	270	540	687	1,374	82	164
12,000	14,000	885	1,770	275	550	723	1,446	87	174
14,000	16,000	900	1,800	280	560	756	1,512	90	180
16,000	18,000	940	1,880	285	570	786	1,572	94	188
18,000	20,000	975	1,950	290	580	813	1,626	98	196
20,000	25,000	1,055	2,000	315	630	876	1,752	105	210
25,000	30,000	1,130	2,000	340	680	933	1,866	112	224
30,000	35,000	1,205	2,000	360	720	981	1,962	119	238
35,000	40,000	1,275	2,000	380	760	1,026	2,000	124	248
40,000	45,000	1,340	2,000	400	800	1,068	2,000	129	258
45,000	50,000	1,400	2,000	420	840	1,104	2,000	135	270
50,000	55,000	1,460	2,000	440	880	1,140	2,000	140	280
55,000	60,000	1,515	2,000	455	910	1,173	2,000	145	290
60,000	65,000	1,565	2,000	470	940	1,206	2,000	150	300
65,000	70,000	1,610	2,000	485	970	1,236	2,000	155	310
70,000	75,000	1,655	2,000	500	1,000	1,263	2,000	160	320
75,000	80,000	1,695	2,000	510	1,020	1,293	2,000	165	330
80,000	85,000	1,730	2,000	520	1,040	1,317	2,000	170	340
85,000	90,000	1,760	2,000	530	1,060	1,344	2,000	175	350
90,000	95,000	1,790	2,000	540	1,080	1,368	2,000	180	360
95,000	100,000	1,815	2,000	545	1,090	1,392	2,000	185	370
100,000	110,000	1,835	2,000	550	1,100	1,437	2,000	195	390
110,000	120,000	1,855	2,000	555	1,110	1,479	2,000	205	410
120,000	130,000	1,875	2,000	560	1,120	1,521	2,000	215	430
130,000	140,000	1,890	2,000	565	1,130	1,557	2,000	225	450
140,000	150,000	1,900	2,000	570	1,140	1,593	2,000	235	470
150,000	160,000	1,935	2,000	580	1,160	1,629	2,000	245	490
160,000	170,000	1,965	2,000	590	1,180	1,662	2,000	255	510
170,000	180,000	1,990	2,000	600	1,200	1,695	2,000	265	530
180,000	190,000	2,010	2,010	605	1,210	1,725	2,000	275	550
190,000	200,000	2,030	2,030	610	1,220	1,755	2,000	285	570
200,000	210,000	2,055	2,055	620	1,240	1,782	2,000	295	590
210,000	230,000	2,100	2,100	635	1,270	1,836	2,000	315	630
230,000	250,000	2,155	2,155	650	1,300	1,890	2,000	335	670
250,000	275,000	2,215	2,215	670	1,340	1,950	2,000	360	720
275,000	300,000	2,275	2,275	690	1,380	2,000	2,000	385	770

EXPLANATORY NOTES ESSENTIAL TO THE APPLICATION
OF THE AMERICAN TABLE OF DISTANCES FOR
STORAGE OF EXPLOSIVE MATERIALS

NOTE 1 – "Explosive materials" means explosives, blasting agents and detonators.

NOTE 2 – "Explosives" means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. A list of explosives determined to be within the coverage of 18 USC Chapter 40, Importation, Manufacturer, Distribution and Storage of Explosive Materials is issued at least annually by the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives of the U.S. Department of Justice. For quantity and distance purposes, detonating cord of 50 grains per foot should be calculated as equivalent to 8 lbs. of high explosives per 1,000 feet. Heavier or lighter core loads should be rated proportionately.

NOTE 3 – "Blasting agents" means any material or mixture consisting of fuel and oxidizer, intended for blasting, not otherwise defined as an explosive. However, the finished product, as mixed for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined.

NOTE 4 – "Detonator" means any device containing any initiating or primary explosive that is used for initiating detonation. A detonator may not contain more than 10 grams of total explosives by weight, excluding ignition or delay charges. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous and delay blasting caps that use detonating cord, shock tube, or any other replacement for electric leg wires. All types of detonators in strengths through No. 8 cap should be rated at 1 $\frac{2}{3}$ lbs. of explosives per 1,000 caps. For strengths higher than No. 8 cap, consult the manufacturer.

NOTE 5 – "Magazine" means any building, structure or container, other than an explosives manufacturing building, approved for the storage of explosive materials.

NOTE 6 – "Natural Barricade" means natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures that require protection cannot be seen from the magazine when the trees are bare of leaves.

NOTE 7 – "Artificial Barricade" means an artificial mound or revetted wall of earth of a minimum thickness of three feet.

NOTE 8 – "Barricaded" means the effective screening of a building containing explosive materials from the magazine or other building, railway or highway by a natural or an artificial barrier. A straight line from the top of any sidewall of the building containing explosive materials to the eave line of any magazine or other building or to a point 12 feet above the center of a railway or highway shall pass through the barrier.

NOTE 9 – "Inhabited Building" means a building regularly occupied in whole or part as a habitation for human beings, or any church, schoolhouse, railroad station, store or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosive materials.

NOTE 10 – "Railway" means any steam, electric or other railroad or railway that carries passengers for hire.

NOTE 11 – "Highway" means any public street, public alley or public road.

NOTE 12 – When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways and highways and, in addition, they should be separated from each other by not less than the distances shown for "Separation of Magazines," except that the quantity of explosive materials contained in detonator magazines shall govern in regard to the spacing of those detonator magazines from magazines containing other explosive materials. If any two or more magazines are separated from each other by less than the specified "Separation of Magazines" distances, then those magazines, as a group, must be considered as one magazine, and the total quantity of explosive materials stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways and highways.

NOTE 13 – Storage in excess of 300,000 lbs. of explosive materials in one magazine is generally not required for commercial enterprises.

NOTE 14 – This Table applies only to the manufacture and permanent storage of commercial explosive materials. It is not applicable to transportation of explosives or any handling or temporary storage necessary or incident to the transportation, handling or storage. It is not intended to apply to bombs, projectiles or other heavily encased explosives.

NOTE 15 – When a manufacturing building on an explosive materials plant site is designed to contain explosive materials, the building shall be located away from inhabited buildings, public highways and passenger railways in accordance with the American Table of Distances based on the maximum quantity of explosive materials permitted to be in the building at one time.

(NOTE: The American Table of Distances for Storage of Explosive Materials and accompanying Explanatory Notes are copyrighted materials reproduced with the permission of the Institute of Makers of Explosives. The notes contained in this Appendix are meant to supplement, and not supersede, the regulations contained in this Part. When wording differs between the regulations and these explanatory notes, the regulations shall govern for enforcement purposes.)

(Source: Amended at 37 Ill. Reg. 14090, effective August 26, 2013)

Section 200.APPENDIX B Table of Separation Distances for Low Explosives

POUNDS				DISTANCES IN FEET							
OVER		NOT OVER		FROM INHABITED BUILDING		FROM PUBLIC RAILROAD AND HIGHWAY		FROM ABOVE-GROUND MAGAZINE			
	0		1,000		75		75		50		
	1,000		5,000		115		115		75		
	5,000		10,000		150		150		100		
	10,000		20,000		190		190		125		
	20,000		30,000		215		215		145		
	30,000		40,000		235		235		155		
	40,000		50,000		250		250		165		
	50,000		60,000		260		260		175		
	60,000		70,000		270		270		185		
	70,000		80,000		280		280		190		
	80,000		90,000		295		295		195		
	90,000		100,000		300		300		200		
	100,000		200,000		375		375		250		
	200,000		300,000		450		450		300		

(Source: Added at 16 Ill. Reg. 11449, effective July 6, 1992)

Section 200.APPENDIX C Table of Separation Distances of Ammonium Nitrate and Blasting Agents From Explosives or Blasting Agents¹

Donor weight		Minimum separation distance of receptor when barricaded ² (ft.)		Minimum thickness of artificial barricades ⁵ (in.)
Pounds over	Pounds not over	Ammonium nitrate ³	Blasting agent ⁴	
	100	3	11	12
100	300	4	14	12
300	600	5	18	12
600	1,000	6	22	12
1,000	1,600	7	25	12
1,600	2,000	8	29	12
2,000	3,000	9	32	15
3,000	4,000	10	36	15
4,000	6,000	11	40	15
6,000	8,000	12	43	20
8,000	10,000	13	47	20
10,000	12,000	14	50	20
12,000	16,000	15	54	25
16,000	20,000	16	58	25
20,000	25,000	18	65	25
25,000	30,000	19	68	30
30,000	35,000	20	72	30
35,000	40,000	21	76	30
40,000	45,000	22	79	35
45,000	50,000	23	83	35
50,000	55,000	24	86	35
55,000	60,000	25	90	35
60,000	70,000	26	94	40
70,000	80,000	28	101	40
80,000	90,000	30	108	40
90,000	100,000	32	115	40
100,000	120,000	34	122	50
120,000	140,000	37	133	50
140,000	160,000	40	144	50
160,000	180,000	44	158	50
180,000	200,000	48	173	50
200,000	220,000	52	187	60
220,000	250,000	56	202	60
250,000	275,000	60	216	60
275,000	300,000	64	230	60

NOTES TO TABLE OF RECOMMENDED SEPARATION DISTANCES
OF AMMONIUM NITRATE AND BLASTING AGENTS
FROM EXPLOSIVES OR BLASTING AGENTS

NOTE 1 – Recommended separation distances to prevent explosion of ammonium nitrate and ammonium nitrate-based blasting agents by propagation from nearby stores of high explosives or blasting agents referred to in the Table as the "donor". Ammonium nitrate, by itself, is not considered to be a donor when applying this Table. Ammonium nitrate, ammonium nitrate-fuel oil or combinations thereof are acceptors. If stores of ammonium nitrate are located within the sympathetic detonation distance of explosives or blasting agents, one-half the mass of the ammonium nitrate is to be included in the mass of the donor.

NOTE 2 – When the ammonium nitrate and/or blasting agent is not barricaded, the distances shown in the Table shall be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like that may enclose the donor. When storage is in bullet-resistant magazines recommended for explosives or when the storage is protected by a bullet-resistant wall, distances and barricade thicknesses in excess of those prescribed in the American Table of Distances (Appendix A) are not required.

NOTE 3 – The distances in the Table apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer promulgated by the Fertilizer Institute and ammonium nitrate failing to pass the test shall be stored at separation distances determined by competent persons and approved by the authority having jurisdiction.

NOTE 4 – These distances apply to blasting agents that pass the insensitivity test prescribed in regulations of USDOT and ATF.

NOTE 5 – Earth, or sand dikes, or enclosures filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of sufficient density that the surrounding exposures that require protection cannot be seen from the donor when the trees are bare of leaves, are also acceptable.

NOTE 6 – For determining the distances to be maintained from inhabited buildings, passenger railways and public highways, use the American Table of Distances for Storage of Explosive Materials (Appendix A).

(Source: Added at 37 Ill. Reg. 14090, effective August 26, 2013)